Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by Verizon New England, Inc.,	)	
Bell Atlantic Communications, Inc. (d/b/a	)	
Verizon Long Distance), NYNEX Long	)	CC Docket No. 00-176
Distance Company (d/b/a Verizon Enterprise	)	
Solutions), and Verizon Global Networks,	)	
Inc., for Authorization to Provide In Region	)	
InterLATA Services in Massachusetts	)	

OPPOSITION OF
NETWORK ACCESS SOLUTIONS CORPORATION[1]

Since Verizon-Massachusetts ("Verizon-MA") does not provide facilities and services to CLECs on reasonable terms as required by the Communications Act, Section 271(d)(3) of the Act requires that the Commission deny this application. In these Comments, NAS first discusses four ways in which Verizon-MA fails to provision DSL-compatible loops on reasonable terms. Then, we discuss one way in which the company fails to provide collocation augments on reasonable terms.

I. The Speed With Which Verizon-MA Provides DSL-Compatible Loops Is Horrible, and the Company Resists Making Even Simple Changes that Would Improve the Provisioning Process

Verizon-MA does not comply with Section 251(c)(3) of the Act. While this statute requires the company to install all types of loops on terms that are reasonable and nondiscriminatory, the speed with which Verizon installs the stand-alone DSL loops that NAS uses is unreasonable and

1. Network Access Solutions ("NAS") orders network elements to provide DSL service in Massachusetts. The company's DSL equipment is collocated in 76 Verizon-MA central offices.

discriminatory.[2] For the seven month period between January and July 2000, it took Verizon an average of 16 business days (*i.e.* more than three weeks) to install a stand-alone DSL loop ordered by NAS when measured from the time that the loop is ordered to the time that a working loop is actually installed.

NAS's experience is not unique. Other CLECs also have complained about the slow DSL-loop provisioning process.[3] Yet Verizon-MA has done little to improve its performance. Despite hundreds of hours of working groups and collaborative meetings supposedly designed to obtain consensus about new procedures to speed the loop installation process, it takes no less time today for Verizon to install a stand-alone DSL-compatible loop than it did 10 months ago.

Verizon-MA's horrible loop installation record threatens DSL competition. At a Wall Street Journal conference this month, those who provide high speed data transmission service using wireless technologies reported that they are beginning to gain market share merely because it takes so long to get a DSL-compatible loop installed. For example, the CEO of one new wireless competitor, airBand Communications, is reported to have stated that his company has gained

---

2. A stand-alone DSL loop is used by the ordering CLEC to provide DSL service alone, whereas a line-shared DSL loop is used simultaneously by the CLEC to provide DSL service and by the provisioning ILEC to provide telephone exchange service. Different provisioning processes apply to stand-alone DSL loops and line-shared DSL loops. NAS has not yet begun to order line-shared loops.

3. *See, e.g.*, ALTS Pet. for Declaratory Ruling at 8-10 CC Dkt. Nos. 98-147 (May 17, 2000); Bluestar Comments on ALTS Pet. at 2-3 (June 20, 2000) (reporting average DSL loop installation interval of 21 days as of June 15, 2000).

subscribers due to the fact that DSL "has left a lot of customers waiting and wanting. . . . They do not want to wait 4, 8, or 15 weeks for service."[4]

Verizon could significantly improve the loop provisioning interval if it would make four simple changes in the provisioning process, but the company has made clear that it has no intention of doing so voluntarily. Below, each revision in the provisioning process that NAS has proposed is discussed briefly.

First, Verizon-MA could speed up the loop installation process if it committed to CLECs who order DSL loops that it would come to the end-user's premise to install the loop within a two-hour window on the appointed installation day. But Verizon refuses to make this commitment, requiring instead that the end user remain at home for a full eight hours. Not surprisingly, many end users cannot commit to stay at home for an entire day, and they often find when they return from a brief trip away from home that the Verizon-MA technician already has come and gone. The result, of course, is a several day delay in the installation of the loop.

Verizon's insistence on an eight-hour-long loop installation window violates Section 251(c)(3) of the Act. By its terms, that statute requires Verizon-MA to install loops on terms that are no less favorable than those that Verizon applies to its own retail customers. Verizon often does not give its retail customers an eight- hour loop installation window, but instead gives them a two-hour or a four-hour window.

Verizon's insistence on giving CLEC customers an unreasonably long eight-hour loop installation window also helps explain why Verizon's published loop installation performance data

---

4. "Fixed Wireless Entrants Tout Alternatives to Show DSL Rollouts", TR Daily, Oct. 5, 2000.

shows a better record of on-time performance than actually exists. Under the business rules that Verizon has developed to govern creation of those statistics, the company does not count as a missed installation any situation in which the installation does not occur because the end user is not home when the installer arrives to make the installation. Instead, the company treats the loop order in that situation as though it never existed.[5] While it would be reasonable for Verizon to exclude, from statistics showing the percentage of loop installations that occur late, a missed installation that results when the end user is not home during a *two-hour* installation window, it is unreasonable for Verizon to exclude from these statistics a missed installation that occurs because the end user is not home during an *eight-hour* installation window.

Even if providing an eight-hour window were reasonable (which it is not), Verizon-MA's failure to provide CLECs with a no-access confirmation before leaving the end user premises is itself an unreasonable provisioning procedure within the meaning of Section 251(c)(3). Under Verizon's business rules, the company is supposed to call the CLEC that ordered the DSL loop before leaving the end user premises so that the CLEC can attempt to contact the user.[6] In fact, in roughly 50 percent of the situations where Verizon should make such calls, it does not do so.

Second, Verizon could improve its loop provisioning process if, at a CLEC's request, it would add, at the time the loop is installed, either a shorting block or a hardwired loopback at the termination on the end user's premises of a non-line shared DSL loop. While performing this

---

5. Guerard/Canny Declar. at ¶ 87.

6. *See*, e.g., "Plans of Bell Atlantic-New York for the Cooperative Improvement of the DSL-UNE Loop Provisioning Process" at 6, 14 (Feb. 29, 2000). While this procedure was adopted as a result of proceedings in New York, Verizon claims to follow it in Massachusetts as well.

simple step would take essentially no extra time and could be accomplished at almost no additional cost, it would substantially expedite the DSL loop provisioning process since CLECs then could conduct a continuity test on the loop without the need for a dispatch. Unfortunately, Verizon-MA has ignored requests to take this simple step. The result is increased dispatch costs for CLECs and, in cases where the dispatched CLEC technician finds that the loop does not work (which occurs roughly 33 percent of the time in NAS's experience), a further delay in getting a working loop.

Third, DSL loops would be installed much more quickly if Verizon provided a reliable electronic DSL loop pre-qualification database. Although the company touts the fact that it has taken the necessary steps "to include in the [DSL loop qualification database] 93% of its central offices with collocations in place,"[7] the information it has placed in the database often is wrong. For example, the database returns an erroneous qualification (or no qualification) report about 50 percent of the time. The outcome in either case is undesirable in that it requires the CLEC to spend time and resources on an order that cannot be filled or causes the CLEC to abandon a viable sales opportunity. The failure of Verizon's database to provide meaningful information explains why, as the Application admits, "CLECs typically request a manual qualification on the order for DSL loops instead of using the Verizon-MA electronic database."[8] If Verizon's electronic database was reliable, CLECs would use it rather than requesting manual qualification when they order DSL loops since under Verizon's own procedures, the manual loop qualification process takes at least three business days, thereby adding at least three business days to the number of days that must pass

---

7. Lacouture/Ruesterholz Declar. at ¶ 108.

8. *Id.* at ¶ 1100.

after a DSL loop is ordered before it is actually installed.[9] Manual loop qualification also is far more expensive for CLECs than Verizon's electronic loop qualification system would be if it worked.

Finally, DSL loops also could be installed more quickly if Verizon-MA conducted cooperative loop testing at the time a stand-alone loop is installed. While Verizon-MA claims in its Application that it "is prepared to cooperatively test" DSL loops,[10] it has declined to do so in NAS's experience. If Verizon would actually engage in cooperative loop testing, the frequency of loop installations in which there is no continuity would decline precipitously, thus making the installation process more efficient and cost effective and reducing the average time that it takes to get a working loop installed.

II. Verizon's Insistence on Giving Itself 76 Business Days to Make Simple Cable Augments in Existing Collocation Arrangements Constitutes an Unreasonable Collocation Provisioning Practice Within the Meaning of Section 251(c)(6) of the Act

The Verizon-MA Application also should be denied because the company fails to install additional cable connections between a CLEC cage and the Verizon MDF in a reasonable period of time. Although the Massachusetts PUC has ordered Verizon-MA to provision *new* collocation arrangements from scratch within 76 business-days,[11] the agency has not mandated a provisioning interval to perform the simple task of augmenting an existing collocation arrangement by increasing the number of connections between that arrangement and the Verizon-MA MDF. In

---

9. Guerard/Canny Declar. at ¶ 78.

10. Lacouture/Ruesterholz Declar. at ¶ 102.

11. *Mass. D.T.E. Collocation Order* at 73-74 (D.T.E. 98-57, March 24, 2000).

the absence of a specific regulatory mandate, Verizon refuses to commit to performing this augment in less than 76 business-days.

Verizon's refusal to commit to a substantially shorter provisioning interval to add cable connections in an existing collocation arrangement faster than the 76-day interval that applies when it constructs a brand new collocation arrangement from scratch is unlawful because it is not "reasonable" as required by § 251(c)(6) of the Act. The company's refusal to commit to performing this simple augment much more quickly than 76-business days is unreasonable since the work necessary to increase the number of connections plainly is far less substantial than the work necessary to construct a brand new collocation arrangement and easily could be performed within 30 calendar days. In fact, the Commission already has held that "we believe that incumbent LECs can provision many collocation arrangements in periods significantly shorter than" the interval applicable to providing a new collocation arrangement from scratch.[12] Moreover, other PUCs have established provisioning intervals for cable augments of 30 days and sometimes even shorter.[13]

---

12. *FCC Collocation Reconsideration Order and Further Notice of Rulemaking*, FCC 00-297 at ¶ 33 n.79. (Aug. 10, 2000).

13. *Id.* Although permitted under existing FCC policy, the Commission, for two reasons, also should ban Verizon MA's practice of requiring virtual collocators to pay for a security escort when they access their collocated equipment. First, imposition of an escort fee makes virtual collocation uneconomic. Second, the fact that two or more carriers share collocation space in scores of SCOPE arrangements in Massachusetts without security escorts demonstrates that escorts are not needed to maintain security.

CONCLUSION

Section 271(d)(3) of the Act requires that the Commission deny Verizon-MA's Application to provide interLATA service to customers in Massachusetts for the reasons set forth above.

Respectfully submitted,

NETWORK ACCESS SOLUTIONS CORPORATION

By: _____

Rodney L. Joyce
SHOOK, HARDY & BACON L.L.P.
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004
(202) 783-8400

October 16, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposition of Network Access Solutions Corporation has been sent today, by Federal Express, to each of the following persons for priority delivery tomorrow.

Cathy Carpino
Massachusetts Department of Telecommunications
and Energy
One South Station
Boston, MA 02110

Josh Walls
U.S. Justice Department
Antitrust Division
Telecommunications Task Force
1401 H Street, N.W., Suite 8000
Washington, D.C. 20005

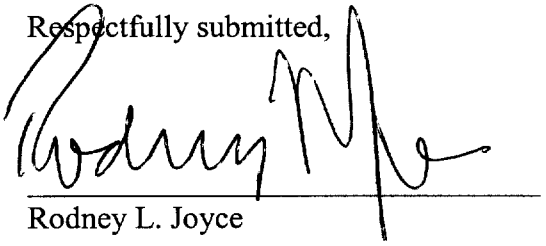
Mark Evans
Kellogg, Huber, Hansen, Todd & Evans, PLLC
1301 K Street, N.W.
Suite 1000 West
Washington, D.C. 20005

Mike Glover
Verizon
1320 North Courthouse Road
Arlington, VA 22201

James Pachulski
TechNet Lw Group, P.C.
1100 New York Avenue, N.W.
Suite 365
Washington, D.C. 20005

Bruce Beausejovr
Verizon New England
185 Franklin Street
Room 1403
Boston, MA 02110

Respectfully submitted,



Rodney L. Joyce

Dated: October 16, 2000